

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARGARITO HERNANDEZ SANTOS, : 1:21-cv-01335(JPO)(RWL)
on behalf of himself, FLSA Collective Plaintiff, :
and the class, :
Plaintiffs, :
-against- :
NUVE MIGUEL CORP. d/b/a KEY FOODS and :
LUIS H URGILES, :
Defendants. :
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**DECLARATION
OF OSCAR
VERGARA**

Oscar Vergara, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I, Oscar Vergara (incorrectly identified as Oscar “[LNU]”), am presently an employee at Key Foods supermarket located at 755 Amsterdam Avenue, New York. Therefore, I have personal knowledge of the facts stated in this Declaration.
2. I am over the age of eighteen (18) and am not a party to this action.
3. My typical work hours while at supermarket were from 8 a.m. to 5p.m. Sunday through Friday. I work five days per week (with having Wednesdays off) and typically work 40 hours per week.
4. I work in the frozen foods department and had limited interaction with Mr. Santos.
5. During my employment with Key Foods, I have not been required to work overtime, or to continue to work after clocking-out.
6. I never had to work during my lunch hours and not be paid for it.

7. I never complained about having to work overtime after clocking out and did not speak with anyone at Key Foods, including Margarito Santos, regarding having to work overtime after clocking out.

8. I have read the foregoing and fully understand its contents.

Dated: New York, New York
September 16, 2021


Oscar Vergara
